

1 JOSEPH P. RUSSONIELLO (CASBN 44332)  
United States Attorney

2 BRIAN J. STRETCH (CASBN 163973)  
3 Chief, Criminal Division

4 ROBERT N. MICHAELS (PARN 200918)  
5 Special Assistant United States Attorney

6 Defense Language Institute - Criminal Law  
1336 Plummer Street, Building 275  
7 Monterey, CA 93944  
Telephone: (831) 242-4537  
8 FAX: (831) 242-5198

9 Attorneys for Plaintiff

**RECEIVED**

JUN 20 2008

**FILED**

JUN 23 2008

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE

10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SALINAS DIVISION

13 UNITED STATES OF AMERICA,

14 Plaintiff,

15 vs.

16 JOSEPH M. SANTILLAN,

17 Defendant.

Criminal No.: CR-08-00126-HRL

18 }  
19 } SECOND STIPULATION AND  
20 } ~~PROPOSED~~ ORDER EXCLUDING TIME


21 On June 2, 2008, the parties in this case appeared before the Court for a status hearing. The  
22 parties jointly requested that the case be continued from June 2, 2008, until August 4, 2008 at  
23 9:30 a.m., in order to allow time for defendant's counsel to prepare for the case. In addition, the  
24 parties requested an exclusion of time under the Speedy Trial Act, from June 2, 2008 to August  
25 4, 2008 at 9:30 a.m. The parties agree and stipulate that an exclusion of time is appropriate  
26 based on the defendant's need for effective preparation of counsel.

1  
SECOND STIPULATION AND ~~PROPOSED~~ ORDER EXCLUDING TIME.  
CASE NO: CR-08-00126-HRL

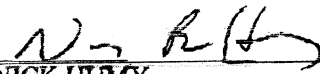
1 SO STIPULATED:

JOSEPH P. RUSSONIELLO  
United States Attorney

2  
3  
4 DATED: 5 June 2008

  
ROBERT N. MICHAELS  
Special Assistant United States Attorney

5  
6  
7 DATED: 6/19/08

  
NICK HUMY  
Counsel for SANTILLAN

8  
9  
10 ORDER

11 Accordingly, for good cause shown, the Court HEREBY ORDERS that time be excluded  
12 under the Speedy Trial Act from June 2, 2008 to August 4, 2008. The Court finds, based on the  
13 aforementioned reasons, that the ends of justice are served by granting the requested continuance  
14 and outweigh the best interest of the public and the defendant in a speedy trial. The failure to  
15 grant the requested continuance would deny defense counsel reasonable time necessary for  
16 effective preparation, taking into account the exercise of due diligence, and would result in a  
17 miscarriage of justice. The Court therefore concludes that this exclusion of time should be made  
18 under 18 U.S.C. § 3161(h)(8)(A) and (B)(iv).

19 SO ORDERED.

20  
21 DATED: 6/23/08

  
HOWARD R. LLOYD  
United States Magistrate Judge